

FIRST REGULAR SESSION

# HOUSE BILL NO. 651

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES ROSS (Sponsor), KORMAN AND MILLER (Co-sponsors).

1547H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 59.319, 60.185, 60.195, 60.301, 60.321, 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570, 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 256.117, 261.023, 640.010, and 640.075, RSMo, and to enact in lieu thereof twenty-five new sections relating to the department of natural resources, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 59.319, 60.185, 60.195, 60.301, 60.321, 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570, 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 256.117, 261.023, 640.010, and 640.075, RSMo, are repealed and twenty-five new sections enacted in lieu thereof, to be known as sections 59.319, 60.185, 60.195, 60.301, 60.321, 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570, 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 256.117, 261.023, 640.010, 640.020, and 640.075, to read as follows:

59.319. 1. A user fee of four dollars shall be charged and collected by every recorder in this state, over and above any other fees required by law, as a condition precedent to the recording of any instrument. The state portion of the fee shall be forwarded monthly by each recorder of deeds to the state director of revenue, and the fees so forwarded shall be deposited by the director in the state treasury. Two dollars of such fee shall be retained by the recorder and deposited in a recorder's fund and not in county general revenue for record storage, microfilming, and preservation, including anything necessarily pertaining thereto. The recorder's funds shall be kept in a special fund by the treasurer and shall be budgeted and expended at the direction of the recorder and shall not be used to substitute for or subsidize any allocation of general revenue for the operation of the recorder's office without the express consent of the recorder. The

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

11 recorder's fund may be audited by the appropriate auditing agency, and any unexpended balance  
12 shall be left in the fund to accumulate from year to year with interest.

13         2. An additional fee of three dollars shall be charged and collected by every recorder in  
14 this state, over and above any other fees required by law, as a condition precedent to the  
15 recording of any instruments specified in subdivisions (1) and (2) of section 59.330. The fees  
16 collected from this additional three dollars per recorded instrument shall be forwarded monthly  
17 by each recorder of deeds to the state director of revenue, and the fees so forwarded shall be  
18 deposited by the director in the state treasury.

19         3. The state treasurer and the commissioner of administration shall establish an  
20 appropriate account within the state treasury and in accordance with the state's accounting  
21 methods. Any receipt required by this section to be deposited in the state treasury shall be  
22 credited as follows:

23         (1) The amount of one dollar for each fee collected under subsection 1 of this section  
24 shall be paid to the state treasurer and credited to the "Missouri Land Survey Fund" which is  
25 hereby created to be utilized for the purposes of sections 60.510 to 60.620 and section 60.670.  
26 The state treasurer shall be custodian of the fund and may approve disbursements from the fund  
27 in accordance with sections 30.170 and 30.180. Any funds previously collected by the state  
28 treasurer to be utilized for the purposes of sections 60.510 to 60.620 and section 60.670 shall  
29 transfer to the Missouri land survey fund. Any portion of the fund not immediately needed for  
30 the purposes authorized shall be invested by the state treasurer as provided by the constitution  
31 and laws of this state. All income, interest, and moneys earned from such investments shall be  
32 deposited in the Missouri land survey fund. Any unexpended balance in the fund at the end of  
33 the fiscal year is exempt from the provisions of section 33.080 relating to the transfer of  
34 unexpended balances to the general revenue fund. **Notwithstanding any provision of law to  
35 the contrary, the administrative expenses of administering the fund shall not exceed ten  
36 percent of the previous year's revenue deposited into the fund;**

37         (2) The amount of one dollar for each fee collected under subsection 1 of this section to  
38 an account to be utilized by the secretary of state for additional preservation of local records; and

39         (3) The amount of three dollars collected under subsection 2 of this section into the  
40 Missouri housing trust fund as designated in section 215.034.

60.185. The county surveyor of every county or city shall:

2         (1) Keep a fair and correct record of all surveys made by himself and his deputies, in a  
3 well-bound book, with a convenient index, to be procured at the expense of the county or city  
4 for that purpose, which books and indexes shall be the property of such county or city, and shall  
5 be known as the county surveyor's plat book, and every such surveyor shall record in such book  
6 a plat of all surveys executed by him or his deputies, within two weeks after the plat of survey

7 has been certified to, and such books shall be kept at the county seat or city hall and subject to  
8 inspection by any person interested therein, under the supervision of the county surveyor for such  
9 county or city;

10 (2) Number his surveys progressively;

11 (3) Deliver a copy of any plat of survey to any person requiring such a copy, on payment  
12 of an amount equal to the fees allowed to the recorder of deeds for such a document, so long as  
13 such records shall remain in his possession, and after such record shall have been deposited in  
14 the office of the recorder of deeds, the recorder shall, on the request of anyone and on payment  
15 of his fees for such service, deliver to such person a duly certified copy of such records under the  
16 seal of his office, which shall be accepted as evidence, to all intents and purposes, as the  
17 originals themselves;

18 (4) Maintain a copy of corner restoration documents as required in section 60.321 when  
19 provided by the Missouri department of [natural resources] **agriculture**, and subject to  
20 inspection and copying by any person interested therein during the normal office hours of the  
21 county on payment of the fees allowed to the recorder for similar documents.

60.195. The several county commissions in this state are hereby authorized, in all cases  
2 wherein they shall consider it to be the interest of their counties, to obtain from the Missouri  
3 department of [natural resources] **agriculture** a certified copy of so much of the field notes of  
4 all surveys lying within their counties, respectively, which have been and may be made by the  
5 United States, as relates to the description of the township, section, fractional section, quarter  
6 section and legal subdivisional corners, the variation of the needle at which the east and west  
7 boundaries of township or range lines were run, the length of the north and south, as well as east  
8 and west sectional lines; also, the fallings of all east and west township and sectional lines the  
9 same to be filed in the office of the county surveyor of their counties, respectively.

60.301. Whenever the following words and terms are used in this chapter they shall have  
2 the following meaning unless the context clearly indicates that a different meaning is intended:

3 (1) "Corners of the United States public land survey", those points that determine the  
4 boundaries of the various subdivisions represented on the official plat such as the township  
5 corner, the section corner, the quarter-section corner, grant corner and meander corner;

6 (2) "Existent corner", a corner whose position can be identified by verifying the evidence  
7 of the original monument or its accessories, or by some physical evidence described in the field  
8 notes, or located by an acceptable supplemental survey record or some physical evidence thereof,  
9 or by testimony. The physical evidence of a corner may have been entirely obliterated but the  
10 corner will be considered existent if its position can be recovered through the testimony of one  
11 or more witnesses who have a dependable knowledge of the original location. A legally  
12 reestablished corner shall have the same status as an existent corner;

13           (3) "Lost corner", a corner whose position cannot be determined, beyond reasonable  
14 doubt, either from traces of the original marks or from acceptable evidence or testimony that  
15 bears upon the original position;

16           (4) "Monument", the physical object which marks the corner point determined by the  
17 surveying process. The accessories, such as bearing trees, bearing objects, reference monuments,  
18 mounds of stone and other similar objects that aid in identifying the corner position, are also  
19 considered a part of a corner monument;

20           (5) "Obliterated, decayed or destroyed corner", an existent corner at whose point there  
21 are no remaining traces of the original monument or its accessories, but whose location has been  
22 perpetuated by subsequent surveys, or the point may be recovered beyond reasonable doubt by  
23 the acts and testimony of local residents, competent surveyors, other qualified local authorities  
24 or witnesses, or by some acceptable record evidence. A position that depends upon the use of  
25 collateral evidence can be accepted only if duly supported, generally through proper relation to  
26 known corners, and agreement with the field notes regarding distances to natural objects, stream  
27 crossings, line trees, etc., or unquestionable testimony;

28           (6) "Original government survey", that survey executed under the authority of the United  
29 States government as recorded on the official plats and field notes of the United States public  
30 land survey maintained by the Missouri department of [natural resources] **agriculture**;

31           (7) "Proportionate measurement", a measurement of a line that gives equal relative  
32 weight to all parts of the line. The excess or deficiency between two existent corners is so  
33 distributed that the amount of excess or deficiency given to each interval bears the same  
34 proportion to the whole difference as the record length of the interval bears to the whole record  
35 distance:

36           (a) "Single proportionate measurement", a measurement of a line applied to a new  
37 measurement made between known points on a line to determine one or more positions on that  
38 line;

39           (b) "Double proportionate measurement", a measurement applied to a new measurement  
40 made between four known corners, two each on intersecting meridional and latitudinal lines, for  
41 the purpose of relating the intersection to both. The procedure is described as follows: First,  
42 measurements will be made between the nearest existent corners north and south of the lost  
43 corner. A temporary point will be determined to locate the latitude of the lost corner on the  
44 straight line connecting the existent corners and at the proper proportionate distance. Second,  
45 measurements will be made between the nearest existent corners east and west of the lost corner.  
46 A temporary point will be determined to locate the longitude of the lost corner on the straight  
47 line connecting the existent corners and at the proportionate distance. Third, determine the  
48 location of the lost corner at the intersection of an east-west line through the point determining

49 the latitude of the lost corner with a north-south line through the point determining the longitude  
50 of the lost corner. When the total length of the line between the nearest existing corners was not  
51 measured in the original government survey, the record distance from one existing corner to the  
52 lost corner will be used instead of the proportionate distance. This exception will apply to either  
53 or both of the east-west or north-south lines;

54 (8) "Record distance", the distance or length as shown on the original government  
55 survey. In determining record distances, consideration shall be given as to whether the distance  
56 was measured on a random or true line.

60.321. For the purpose of perpetuating the corners of the United States public land  
2 survey, every surveyor who reestablishes a lost corner or restores an existent corner shall  
3 monument the corner and shall file an instrument showing such reestablishment or restoration  
4 with the Missouri department of [natural resources] **agriculture**, in accordance with the  
5 specifications and procedures adopted by the Missouri department of [natural resources]  
6 **agriculture**. Any surveyor who willfully and knowingly fails to perpetuate corners in  
7 accordance with this section is guilty of misconduct in the practice of land surveying.

60.451. 1. For the purpose of more precisely defining the Missouri coordinate system  
2 of 1927, the following definition by the United States Coast and Geodetic Survey is adopted:

3 (1) The Missouri coordinate system of 1927, east zone, is a transverse Mercator  
4 projection of the Clarke spheroid of 1866, having a central meridian 90 degrees -- 30 minutes  
5 west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small.  
6 The origin of coordinates is at the intersection of the meridian 90 degrees -- 30 minutes west of  
7 Greenwich and the parallel 35 degrees -- 50 minutes north latitude. This origin is given the  
8 coordinates:  $x = 500,000$  feet and  $y = 0$  feet;

9 (2) The Missouri coordinate system of 1927, central zone, is a transverse Mercator  
10 projection of the Clarke spheroid of 1866, having a central meridian 92 degrees -- 30 minutes  
11 west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small.  
12 The origin of coordinates is at the intersection of the meridian 92 degrees -- 30 minutes west of  
13 Greenwich and the parallel of 35 degrees -- 50 minutes north latitude. This origin is given the  
14 coordinates:  $x = 500,000$  feet and  $y = 0$  feet;

15 (3) The Missouri coordinate system of 1927, west zone, is a transverse Mercator  
16 projection of the Clarke spheroid of 1866, having a central meridian 94 degrees -- 30 minutes  
17 west of Greenwich, on which meridian the scale is set at one part in seventeen thousand too  
18 small. The origin of coordinates is at the intersection of the meridian 94 degrees -- 30 minutes  
19 west of Greenwich and the parallel 36 degrees -- 10 minutes north latitude. This origin is given  
20 the coordinates:  $x = 500,000$  feet and  $y = 0$  feet.

21           2. For purposes of more precisely defining the Missouri coordinate system of 1983, the  
22 following definition by the National Ocean Survey/National Geodetic Survey is adopted:

23           (1) The Missouri coordinate system 1983, east zone, is a transverse Mercator projection  
24 of the North American Datum of 1983 having a central meridian 90 degrees -- 30 minutes west  
25 of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small. The  
26 origin of coordinates is at the intersection of the meridian 90 degrees -- 30 minutes west of  
27 Greenwich and the parallel 35 degrees -- 50 minutes north latitude. This origin is given the  
28 coordinates:  $x = 250,000$  meters and  $y = 0$  meters;

29           (2) The Missouri coordinate system 1983, central zone, is a transverse Mercator  
30 projection of the North American Datum of 1983 having a central meridian 92 degrees -- 30  
31 minutes west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too  
32 small. The origin of coordinates is at the intersection of the meridian 92 degrees -- 30 minutes  
33 west of Greenwich and the parallel of 35 degrees -- 50 minutes north latitude. This origin is  
34 given the coordinates:  $x = 500,000$  meters and  $y = 0$  meters;

35           (3) The Missouri coordinate system 1983, west zone, is a transverse Mercator projection  
36 of the North American Datum of 1983 having a central meridian 94 degrees -- 30 minutes west  
37 of Greenwich, on which meridian the scale is set at one part in seventeen thousand too small.  
38 The origin of coordinates is at the intersection of the meridian 94 degrees -- 30 minutes west of  
39 Greenwich and the parallel 36 degrees -- 10 minutes north latitude. This origin is given the  
40 coordinates:  $x = 850,000$  meters and  $y = 0$  meters.

41           3. The position of either Missouri coordinate system shall be as marked on the ground  
42 by horizontal control stations established in conformity with the standards adopted by the  
43 department of [natural resources] **agriculture** for first-order and second-order work, whose  
44 geodetic positions have been rigidly adjusted on the appropriate datum and whose coordinates  
45 have been computed on the system defined in this section. Any such station may be used for  
46 establishing a survey connection with the Missouri coordinate system.

          60.510. The functions, duties and responsibilities of the department of [natural  
2 resources] **agriculture** shall be as follows:

3           (1) To restore, maintain, and preserve the land survey monuments, section corners, and  
4 quarter section corners established by the United States public land survey within Missouri,  
5 together with all pertinent field notes, plats and documents; and also to restore, establish,  
6 maintain, and preserve Missouri state and county boundary markers and other boundary markers  
7 considered by the department of [natural resources] **agriculture** to be of importance, or  
8 otherwise established by law;

9           (2) To design and cause to be placed at established public land survey corner sites, where  
10 practical, substantial monuments permanently indicating, with words and figures, the exact

11 location involved, but if such monuments cannot be placed at the exact corner point, then witness  
12 corners of similar design shall be placed as near by as possible, with words and figures indicating  
13 the bearing and distance to the true corner;

14 (3) To establish, maintain, and provide safe storage facilities for a comprehensive system  
15 of recordation of information respecting all monuments established by the United States public  
16 land survey within this state, and such records as may be pertinent to the department of [natural  
17 resources] **agriculture's** establishment or maintenance of other land corners, Missouri state  
18 coordinate system stations and accessories, and survey monuments in general;

19 (4) To provide the framework for all geodetic positioning activities in the state. The  
20 foundational elements include latitude, longitude, and elevation which contribute to informed  
21 decision making and impact on a wide range of important activities including mapping and  
22 geographic information systems, flood risk determination, transportation, land use and ecosystem  
23 management and use of the Missouri state coordinate system, as established by sections 60.401  
24 to 60.491;

25 (5) To collect and preserve information obtained from surveys made by those authorized  
26 to establish land monuments or land boundaries, and to assist in the proper recording of the same  
27 by the duly constituted county officials, or otherwise;

28 (6) To furnish, upon reasonable request and tender of the required fees therefor, certified  
29 copies of records created or maintained by the department of [natural resources] **agriculture**  
30 which, when certified by the state land surveyor or a designated assistant, shall be admissible in  
31 evidence in any court in this state, as the original record; and

32 (7) To prescribe, and disseminate to those engaged in the business of land surveying,  
33 regulations designed to assist in uniform and professional surveying methods and standards in  
34 this state.

60.530. The state land surveyor shall, under guidance of the department of [natural  
2 resources] **agriculture** and with the recommendation of the land survey commission, carry out  
3 the routine functions and duties of the department of [natural resources] **agriculture**, as  
4 prescribed in sections 60.510 to 60.620 and section 60.670. He or she shall, whenever practical,  
5 cause all land surveys, except geodetic surveys, to be executed, under his or her direction by the  
6 registered county surveyor or a local registered land surveyor when no registered county surveyor  
7 exists. He or she shall perform such other work and acts as shall, in the judgment of the  
8 department of [natural resources] **agriculture** and with the recommendation of the land survey  
9 commission, be necessary and proper to carry out the objectives of sections 60.510 to 60.620 and  
10 section 60.670 and, within the limits of appropriations made therefor and subject to the approval  
11 of the department of [natural resources] **agriculture** and the state merit system, employ and fix

12 the compensation of such additional employees as may be necessary to carry out the provisions  
13 of sections 60.510 to 60.620 and section 60.670.

60.540. The department of [natural resources] **agriculture** may acquire, in the name of  
2 the state of Missouri, lands or interests therein, where necessary, to establish permanent control  
3 stations; and may lease or purchase or acquire by negotiation or condemnation, where necessary,  
4 land for the establishment of an office of the land survey program of the department of [natural  
5 resources] **agriculture**. If condemnation is necessary, the attorney general shall bring the suit  
6 in the name of the state in the same manner as authorized by law for the acquisition of lands by  
7 the state transportation department.

60.550. The custody and ownership of the original United States public land survey  
2 corners and accessories, including all restoration and replacements thereof and all accessories,  
3 belonging to the state of Missouri is hereby transferred to the department of [natural resources]  
4 **agriculture**. The department of [natural resources] **agriculture** shall see that the markers are  
5 maintained, and the alteration, removal, disfiguration or destruction of any of the corners or  
6 accessories, without specific permission of the department of [natural resources] **agriculture**,  
7 is an act of destruction of state property and is a misdemeanor. Any person convicted thereof  
8 shall be punished as provided by law. Each of the several prosecuting attorneys is specifically  
9 directed to prosecute for the violation of this section for any act of destruction which occurs in  
10 his county.

60.560. Upon their request, the state attorney general shall advise the land survey  
2 commission or the department of [natural resources] **agriculture** or the state land surveyor with  
3 respect to any legal matter, and shall represent the land survey commission or department of  
4 [natural resources] **agriculture** in any proceeding in any court of the state in which the land  
5 survey commission or land survey program shall be a party.

60.570. The permanent headquarters of the land survey program shall be at or near to the  
2 principal office of the Missouri state geological survey. [Until such time as other headquarters  
3 can be obtained by the land survey program, the state geologist shall assign such space in the  
4 state geological survey building as may be available.] **If the land survey program**  
5 **headquarters are located in any building owned by a state agency or department, the land**  
6 **survey program shall not be liable to that agency or department for rent or any other costs**  
7 **associated with the office space.** The land survey program may also establish and maintain  
8 regional offices in the metropolitan areas of the state for the storage and distribution of local  
9 survey record information.

60.580. The state land surveyor or any and all employees of the department of [natural  
2 resources] **agriculture** have the right to enter upon private property for the purpose of making  
3 surveys, or for searching for, locating, relocating, or remonumenting land monuments, leveling



4 stations, or section corners. Should any of these persons necessarily damage property of the  
5 owner in making the surveys or searches or remonumentations, the department of [natural  
6 resources] **agriculture** may make reasonable payment for the damage from funds available for  
7 that purpose. However, department of [natural resources] **agriculture** employees are personally  
8 liable for any damage caused by their wantonness, willfulness or negligence. All department of  
9 [natural resources] **agriculture** employees are immune from arrest for trespass in performing  
10 their legal duties as stated in sections 60.510 to 60.620 and section 60.670.

60.590. 1. On request of the department of [natural resources] **agriculture** or the state  
2 land surveyor, all city and county recorders of deeds, together with all departments, boards or  
3 agencies of state government, county, or city government, shall furnish to the department of  
4 [natural resources] **agriculture** or the state land surveyor certified copies of desired records  
5 which are in their custody. This service shall be free of cost when possible; otherwise, it shall  
6 be at actual cost of reproduction of the records. On the same basis of cost, the department of  
7 [natural resources] **agriculture** shall furnish records within its custody to other agencies or  
8 departments of state, county or city, certifying them.

9 2. The department of [natural resources] **agriculture** may produce, reproduce and sell  
10 maps, plats, reports, studies, and records, and the commission shall recommend to the  
11 department of [natural resources] **agriculture** the charges therefor. All income received shall  
12 be promptly deposited in the state treasury to the credit of the department of [natural resources]  
13 **agriculture** document services fund.

60.595. 1. The "Department of [Natural Resources] **Agriculture** Revolving Services  
2 Fund" is hereby created. All funds received by the department of [natural resources] **agriculture**  
3 from the delivery of services and the sale or resale of maps, plats, reports, studies, records and  
4 other publications and documents and surveying information, on paper or in electronic format,  
5 by the department shall be credited to the fund. The director of the department shall administer  
6 the fund. The state treasurer is the custodian of the fund and shall approve disbursements from  
7 the fund requested by the director of the department. When appropriated, moneys in the fund  
8 shall be used to purchase goods, equipment, hardware and software, maintenance and licenses,  
9 software and database development and maintenance, personal services, and other services that  
10 will ultimately be used to provide copies of information maintained or provided by the land  
11 survey program, reprint maps, publications or other documents requested by governmental  
12 agencies or members of the general public; to publish the maps, publications or other documents  
13 or to purchase maps, publications or other documents for resale; and to pay shipping charges,  
14 laboratory services, core library fees, workshop fees, conference fees, interdivisional cooperative  
15 agreements, but for no other purpose. **No more than ten percent of the funds received by the**  
16 **department shall be used for administrative expenses.**

17           2. An unencumbered balance in the fund at the end of the fiscal year not exceeding one  
18 million dollars is exempt from the provisions of section 33.080 relating to the transfer of  
19 unexpended balances to the general revenue fund.

20           3. The department of [natural resources] **agriculture** shall report all income to and  
21 expenditures from such fund on a quarterly basis to the house budget committee and the senate  
22 appropriations committee.

          60.600. Every employee of the department of [natural resources] **agriculture** who is  
2 engaged in work required by law to be done by a registered land surveyor will be so registered.  
3 No employee of the department of [natural resources] **agriculture** shall engage in private land  
4 surveying or consultation while employed by the department of [natural resources] **agriculture**.

          60.610. Whenever the department of [natural resources] **agriculture** deems it expedient,  
2 and when funds appropriated permit, the department of [natural resources] **agriculture** may enter  
3 into any contract with agencies of the United States, with agencies of other states, or with private  
4 persons, registered land surveyors or professional engineers, in order to plan and execute desired  
5 land surveys or geodetic surveys, or to plan and execute other projects which are within the scope  
6 and purpose of sections 60.510 to 60.620 and section 60.670.

          60.620. 1. There is hereby created the "Land Survey Commission", within the  
2 department of [natural resources] **agriculture**. The commission shall consist of seven members,  
3 six of whom shall be appointed by the governor. Members shall reside in this state. Members  
4 of the commission shall hold office for terms of three years, but of the original appointments,  
5 two members shall serve for one year, two members shall serve for two years, and two members  
6 shall serve for three years. Members may serve only three consecutive terms on the commission.

7           2. The land survey commission shall consist of the following persons:

8           (1) Four members who shall be registered land surveyors, one of which shall be a county  
9 surveyor;

10          (2) One member who shall represent the real estate or land title industry;

11          (3) One member who shall represent the public and have an interest in and knowledge  
12 of land surveying; and

13          (4) The director of the department of [natural resources] **agriculture** or his or her  
14 designee.

15

16 The members in subdivisions (1) to (3) of this subsection shall be appointed by the governor with  
17 advice and consent of the senate and each shall serve until his or her successor is duly appointed.

18           3. The land survey commission shall elect a chairman annually. The commission shall  
19 meet semiannually and at other such times as called by the chairman of the commission and shall  
20 have a quorum when at least four members are present.

21           4. The land survey commission members shall serve without compensation but shall be  
22 reimbursed for actual and necessary expenses incurred in the performance of their official duties.

23           5. The land survey commission shall provide the director of the department of [natural  
24 resources] **agriculture** and the state land surveyor with recommendations on the operation and  
25 the planning and prioritization of the land survey program and the design of regulations needed  
26 to carry out the functions, duties, and responsibilities of the department of [natural resources]  
27 **agriculture** in sections 60.510 to 60.620 and section 60.670.

28           6. The land survey commission shall recommend to the department of [natural resources]  
29 **agriculture**:

30           (1) A person to be selected and appointed state land surveyor, who shall be the chief  
31 administrative officer of the land survey program. The state land surveyor shall be selected  
32 under the state merit system on the basis of professional experience and registration;

33           (2) Prioritization and execution of projects which are within the scope and purpose of  
34 sections 60.510 to 60.620 and section 60.670;

35           (3) Prioritization and selection of public land survey corner monuments to be  
36 reestablished through the county cooperative contracts in accordance with sections 8.285 to  
37 8.291; and

38           (4) Approval of all other contracts for the planning and execution of projects which are  
39 within the scope and purpose of sections 60.510 to 60.620 and section 60.670 and in accordance  
40 with sections 8.285 to 8.291.

41           7. The commission shall, at least annually, prepare a report, which shall be available to  
42 the general public, of the review by the commission of the land survey program, stating its  
43 findings, conclusions, and recommendations to the director.

44           8. By December 1, 2013, the commission shall provide a report to the department of  
45 [natural resources] **agriculture** and general assembly that recommends the appropriate  
46 administrative or overhead cost rate that will be charged to the program, where such cost rate  
47 shall include all indirect services provided by the division of geology and land survey,  
48 department of [natural resources] **agriculture**, and office of administration.

60.653. 1. It shall be the duty of the recorder of deeds to maintain a copy of all survey  
2 plats delivered to his custody in an appropriate file medium capable of reproduction.

3           2. Survey plats shall be placed in the plat books or such other record books as have been  
4 previously established.

5           3. A duplicate of the recorded survey plat shall be provided to the land survey division  
6 of the department of [natural resources] **agriculture** at an amount not to exceed the actual cost  
7 of the duplicate.

8           4. The recorder shall maintain an index of all survey plats, subdivision plats, and  
9 condominium plats by section, township, and range and by subdivision or condominium name.

10           5. Copies of survey plats shall be evidence in all courts of justice when properly certified  
11 under the hand and official seal of the recorder.

60.670. 1. As used in this section, the following terms shall mean:

2           (1) "Cadastral parcel mapping", an accurately delineated identification of all real  
3 property parcels. The cadastral map is based upon the USPLSS. For cadastral parcel maps the  
4 position of the legal framework is derived from the USPLSS, existing tax maps, and tax database  
5 legal descriptions, recorded deeds, recorded surveys, and recorded subdivision plats;

6           (2) "Digital cadastral parcel mapping", encompasses the concepts of automated mapping,  
7 graphic display and output, data analysis, and database management as pertains to cadastral  
8 parcel mapping. Digital cadastral parcel mapping systems consist of hardware, software, data,  
9 people, organizations, and institutional arrangements for collecting, storing, analyzing, and  
10 disseminating information about the location and areas of parcels and the USPLSS;

11           (3) "USPLSS" or "United States Public Land Survey System", a survey executed under  
12 the authority of the United States government as recorded on the official plats and field notes of  
13 the United States public land survey maintained by the land survey program of the department  
14 of [natural resources] **agriculture**;

15           (4) "Tax map", a document or map for taxation purposes representing the location,  
16 dimensions, and other relevant information pertaining to a parcel of land subject to property  
17 taxes.

18           2. The office of the state land surveyor established within the department of [natural  
19 resources] **agriculture** shall promulgate rules and regulations establishing minimum standards  
20 for digital cadastral parcel mapping. Any rule or portion of a rule, as that term is defined in  
21 section 536.010, that is created under the authority delegated in this section shall become  
22 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if  
23 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the  
24 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective  
25 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
26 rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid  
27 and void.

28           3. Any map designed and used to reflect legal property descriptions or boundaries for  
29 use in a digital cadastral mapping system shall comply with the rules promulgated under this  
30 section, unless the party requesting the map specifies otherwise in writing, the map was designed  
31 and in use prior to the promulgation of the rules, or the parties requesting and designing the map  
32 have already agreed to the terms of their contract on the effective date of the rules promulgation.

256.117. 1. Funds from department of [natural resources document services] **agriculture revolving services** fund created in section 60.595 may be used to purchase, acquire and copy maps described in sections 256.112 to 256.117, as well as all services necessary for the operation of the map repository.

2. All funds from the sale of maps and products from the mine map repository shall be deposited in the department of [natural resources document services] **agriculture revolving services** fund created in section 60.595.

261.023. 1. There is hereby created a department of agriculture to be headed by a director of the department of agriculture to be appointed by the governor, by and with the advice and consent of the senate. The director shall possess the qualifications presently provided by law for the position of commissioner of agriculture.

2. All powers, duties and functions now vested by law to the commissioner of the department of agriculture and the department of agriculture, chapter 261 and others, are transferred by type I transfer to the director of the department of agriculture and to the department of agriculture herein created.

3. The state horticultural society created by sections 262.010 and 262.020 is transferred by type I transfer to the department of agriculture.

4. All the powers, duties, and functions vested in the state milk board, chapter 196, are transferred to the department of agriculture by type III transfer. The appointed members of the board shall be nominated by the department director, and appointed by the governor with the advice and consent of the senate. The department of health and senior services shall retain the powers, duties and functions assigned by chapter 196.

5. All the powers, duties, functions and properties of the state fruit experiment station, chapter 262, are transferred by type I transfer to the Southwest Missouri State University and fruit experiment station board of trustees is abolished.

6. All the powers, duties and functions of the department of revenue relating to the inspection of motor fuel and special fuel distributors, chapters 323 and 414, are transferred by type I transfer to the department of agriculture and to the director of that department. The collection of the taxes provided in chapters 142 and 136, however, shall be made by the department of revenue.

**7. All the powers, duties, and functions of the land survey program of the department of natural resources are transferred to the department of agriculture by type I transfer.**

640.010. 1. There is hereby created a department of natural resources in charge of a director appointed by the governor, by and with the advice and consent of the senate. The director shall administer the programs assigned to the department relating to environmental

4 control and the conservation and management of natural resources. The director shall coordinate  
5 and supervise all staff and other personnel assigned to the department. He shall faithfully cause  
6 to be executed all policies established by the boards and commissions assigned to the  
7 department, be subject to their decisions as to all substantive and procedural rules and his  
8 decisions shall be subject to appeal to the board or commission on request of the board or  
9 commission or by affected parties. The director shall recommend policies to the various boards  
10 and commissions assigned to the department to achieve effective and coordinated environmental  
11 control and natural resource conservation policies.

12 2. The director shall appoint directors of staff to service each of the policy making  
13 boards or commissions assigned to the department. Each director of staff shall be qualified by  
14 education, training and experience in the technical matters of the board to which he is assigned  
15 and his appointment shall be approved by the board to which he is assigned and he shall be  
16 removed or reassigned on their request in writing to the director of the department. All other  
17 employees of the department and of each board and commission assigned to the department shall  
18 be appointed by the director of the department in accord with chapter 36, and shall be assigned  
19 and may be reassigned as required by the director of the department in such a manner as to  
20 provide optimum service, efficiency and economy.

21 3. The air conservation commission, chapter 203 and others, the clean water  
22 commission, chapter 204 and others, are transferred by type II transfer to the department of  
23 natural resources. The governor shall appoint the members of these bodies in accord with the  
24 laws establishing them, with the advice and consent of the senate. The bodies hereby transferred  
25 shall retain all rulemaking and hearing powers allotted by law, as well as those of any bodies  
26 transferred to their jurisdiction. All the powers, duties and functions of the state environmental  
27 improvement authority, chapter 260 and others, are transferred by type III transfer to the air  
28 conservation commission. All the powers, duties and functions of the water resources board,  
29 chapter 256 and others, are transferred by type I transfer to the clean water commission and the  
30 board is abolished. No member of the clean water commission shall receive or shall have  
31 received, during the previous two years from the date of his appointment, a significant portion  
32 of his income directly or indirectly from permit holders or applicants for a permit under the  
33 jurisdiction of the clean water commission. The state park board, chapter 253, is transferred to  
34 the department of natural resources by type I transfer.

35 4. All the powers, duties and functions of the state soil and water districts commission,  
36 chapter 278 and others, are transferred by a type II transfer to the department.

37 5. All the powers, duties and functions of the state geologist, chapter 256 and others, are  
38 transferred by type I transfer to the department of natural resources. [All the powers, duties and  
39 functions of the state land survey authority, chapter 60, are transferred to the department of  
40 natural resources by type I transfer and the authority is abolished.] All the powers, duties and

41 functions of the state oil and gas council, chapter 259 and others are transferred to the department  
42 of natural resources by type II transfer. The director of the department shall appoint a state  
43 geologist who shall have the duties to supervise and coordinate the work formerly done by the  
44 departments or authorities abolished by this subsection, and shall provide staff services for the  
45 state oil and gas council.

46 6. All the powers, duties and functions of the land reclamation commission, chapter 444  
47 and others, are transferred to the department of natural resources by type II transfer. All  
48 necessary personnel required by the commission shall be selected, employed and discharged by  
49 the commission. The director of the department shall not have the authority to abolish positions.

50 7. The functions performed by the division of health in relation to the maintenance of  
51 a safe quality of water dispensed to the public, sections 640.100 to 640.115, and others, and for  
52 licensing and regulating solid waste management systems and plans are transferred by type I  
53 transfer to the department of natural resources.

54 8. (1) The state interagency council for outdoor recreation, chapter 258, is transferred  
55 to the department of natural resources by type II transfer. The council shall consist of  
56 representatives of the following state agencies: department of agriculture; department of  
57 conservation; office of administration; department of natural resources; department of economic  
58 development; department of social services; department of transportation; and the University of  
59 Missouri.

60 (2) The council shall function as provided in chapter 258, except that the department of  
61 natural resources shall provide all staff services as required by the council notwithstanding the  
62 provisions of sections 258.030 and 258.040, and all personnel and property of the council are  
63 hereby transferred by type I transfer to the department of natural resources and the office of  
64 executive secretary to the council is abolished.

**640.020. Notwithstanding any provision of law to the contrary, the administrative  
2 expenses of administering any fund dedicated to the department of natural resources,  
3 except the geologic resources fund created under section 256.705, shall not exceed ten  
4 percent of the previous year's revenue deposited into such fund.**

640.075. The department of [natural resources] **agriculture** is authorized to gather data,  
2 photographs and such other materials as may be necessary and to prepare, edit and publish from  
3 time to time, as deemed necessary, copies of a brochure on the Thomas Hart Benton murals in  
4 the house lounge and on other major works of art of the Missouri state capitol. The brochure  
5 shall be sold at a price to be set by the department of [natural resources] **agriculture**. The  
6 proceeds from the sale of the brochure shall be deposited in the state treasury to the credit of the  
7 [natural resources document services] **department of agriculture revolving services** fund  
8 created in section 60.595.